

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ALPHONSA CHANDLER; NICHOLAS
GORE; BRENT MERITY; and ERIC
VAUGHAN, each individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

INTERNATIONAL MARINE AND
INDUSTRIAL APPLICATORS, LLC, a Florida
Corporation,

Defendant.

No. 2:22-cv-00339

**ORDER GRANTING PLAINTIFFS'
MOTION FOR PRELIMINARY
APPROVAL**

WHEREAS, Plaintiffs have applied for an order preliminarily approving the settlement of this action as stated in the Settlement Agreement (attached as Exhibit 1 to the Declaration of Hardeep S. Rekhi in Support of Plaintiffs' Motion for Preliminary Approval), which sets forth the terms and conditions for a proposed collective and class action settlement and for dismissal of the action with prejudice upon the terms and conditions set forth therein;

WHEREAS, the Court has read and considered the Settlement Agreement, the exhibit(s) thereto, and the briefing submitted in support of preliminary approval of the settlement and is fully advised;

1 NOW, THEREFORE, IT IS HEREBY ORDERED:

2 1. The Court preliminarily approves the Settlement Agreement and the terms set forth
3 therein—including the relief afforded the proposed collective and class action members and the
4 Settlement Administration expenses award—as being fair, reasonable and adequate. The
5 Settlement Agreement is the result of arm’s length negotiations between experienced attorneys
6 who are familiar with class action litigation in general and with the legal and factual issues of this
7 case in particular.

8 2. The Court preliminary finds the Attorneys Fees and Costs to be reasonable. Plaintiffs’
9 counsel will file a full fee petition at the time of final approval.

10 3. The Court certifies the proposed Washington Class for purposes of settlement.

11 4. The Court certifies the Collective Action for purposes of settlement.

12 5. The Court appoints Rekhi & Wolk, P.S. and Terrell Marshall Law Group PLLC as Class
13 Counsel.

14 6. The Court appoints Simpluris as Settlement Administrator. The Court approves the
15 Settlement Administrator to perform the functions required by the terms of the Settlement
16 Agreement. The Court also approves reasonable compensation and costs to the Settlement
17 Administrator in accordance with the Settlement Agreement.

18 7. A final fairness hearing (“Final Fairness Hearing”) for purposes of determining whether
19 the Settlement should be finally approved, shall be held before the Court on June 5, 2023, at 10:00
20 a.m. in the courtroom of the Honorable Barbara J. Rothstein at the United States District Court,
21 700 Stewart Street, Courtroom: Suite 16106, Seattle, Washington. At the hearing, the Court will
22 hear arguments concerning whether the proposed Settlement and the terms and conditions
23 provided for in the Settlement Agreement should be granted final approval by the Court as fair,
24 reasonable and adequate. The Court will also consider Class Counsel’s request for attorneys’ fees
25 and costs and for a service payment to the Class Representative, and rule on any other matters that
26 the Court deems appropriate.

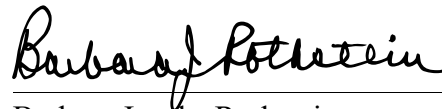
1 8. The Court approves, as to form and content, the Notices of Settlement to be sent to the
2 members of the Settlement Class, which are attached to the Settlement Agreement as Exhibits A-
3 B. In addition, the Court finds that distribution of the Notices substantially in the manner set forth
4 in Section VIII of the Settlement Agreement will meet the requirements of due process and
5 applicable law, will provide the best notice practicable under the circumstances, and will constitute
6 due and sufficient notice to all individuals entitled thereto.

7 9. The Court reserves the right to adjourn the date of the Final Fairness Hearing without
8 further notice to the members of the Settlement Class and retains jurisdiction to consider all further
9 applications arising out of or connected with the proposed Settlement Agreement.

10 10. If the Court does not enter an order finally approving the Settlement, or if the Settlement
11 does not become final for any other reason, then the action shall proceed as if the Settlement
12 Agreement had not been executed.

13 IT IS SO ORDERED.

14 DATED this 20th day of March, 2023.

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17 Barbara Jacobs Rothstein
18 U.S. District Court Judge
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